

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Frank Foster, et al.,

Plaintiffs,

v.

Nationwide Mutual Insurance Company,

Defendant.

Court File No.: 2:08-cv-00020

JUDGE SARGUS

MAGISTRATE JUDGE PRESTON DEAVERS

PLAINTIFFS' NOTICE OF APPEAL

Notice is hereby given that Plaintiff Frank Foster, on behalf of himself and all others similarly situated, appeals to the United States Court of Appeals for the Sixth Circuit the District Court's Opinion and Order on Summary Judgment, (ECF Nos. 84 and 174 (further clarifying the summary judgment order)), and the District Court's Trial Opinion and Order and final judgment in favor of Defendant entered in this action on January 5, 2012, (ECF Nos. 200 and 201).

Respectfully submitted this 24th day of January 2012,

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s/Matthew H. Morgan

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing document has been filed with the Clerk of the Court on January 24, 2012 by using the CM/ECF system which will send notification of such filing to the following:

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